

United States Bankruptcy Court
Eastern District of Michigan
Southern Division

In re:

Jack Robert Moxon,

Debtor.

Case No. 05-59983-R

Chapter 7

Jack R. Moxon,

Plaintiff,

Adv. P. 05-5792

v.

David M. Findling,

Defendant.

/

Opinion Regarding Motion for Summary Judgment

On November 8, 2005, the State Court Appointed Receiver, David Findling, filed a motion for summary judgment. Findling asserts that summary judgment is appropriate based upon collateral estoppel and/or the Rooker-Feldman doctrine. On December 12, 2005, Findling filed a copy of the September 26, 2005, Macomb County Circuit Court order holding the debt non-dischargeable. This Court may not review the state court's decision. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 44 S. Ct. 149 (1923), and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 103 S. Ct. 1303 (1983). In matters under 11 U.S.C. § 523(a)(5), the bankruptcy court has concurrent jurisdiction with state courts. *In re Morales*, 128 B.R. 526 (Bankr.E.D.Mich.1991); *In re White*, 851 F.2d 170 (6th Cir.1988). Accordingly, the Macomb County Circuit Court's determination that the debt is non-dischargeable is binding, and Findling's motion for summary judgment must be granted.

NOT FOR PUBLICATION

Entered: December 16, 2005

/s/ Steven Rhodes

Steven Rhodes

Chief Bankruptcy Judge